

House File 118 - Introduced

HOUSE FILE _____
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adults and at-risk older adults.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1158YH 82
4 rh/sh/8

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1 1 Section 1. Section 231.56A, subsection 2, paragraph a,
1 2 Code 2007, is amended to read as follows:
1 3 a. Is the subject of a report of suspected dependent adult
1 4 abuse or is an at-risk older adult pursuant to chapter 235B.
1 5 Sec. 2. Section 235B.1, subsection 1, Code 2007, is
1 6 amended to read as follows:
1 7 1. The establishment of local or regional
1 8 multidisciplinary teams to assist in assessing the needs of,
1 9 formulating and monitoring a treatment plan for, and
1 10 coordinating services to victims of dependent adult abuse and
1 11 at-risk older adults. The membership of a team shall include
1 12 individuals who possess knowledge and skills related to the
1 13 diagnosis, assessment, and disposition of dependent adult
1 14 abuse cases and who are professionals practicing in the
1 15 disciplines of medicine, public health, mental health, social
1 16 work, law, law enforcement, or other disciplines relative to
1 17 dependent adults or at-risk older adults. Members of a team
1 18 shall include, but are not limited to, persons representing
1 19 the area agencies on aging, county attorneys, health care
1 20 providers, and other persons involved in advocating or
1 21 providing services to dependent adults.
1 22 Sec. 3. Section 235B.2, Code 2007, is amended by adding
1 23 the following new subsections:
1 24 NEW SUBSECTION. 0A. "At-risk older adult" means a person
1 25 sixty years of age or older who is not able or willing to
1 26 maintain the person's life or health, or who is otherwise
1 27 unable to maintain a safe and independent living arrangement.
1 28 NEW SUBSECTION. 12A. "Self-denial of critical care" means
1 29 living without the minimum food, shelter, clothing,
1 30 supervision, physical or mental health care, or other care
1 31 necessary to maintain a dependent adult's or at-risk older
1 32 adult's life or health as a result of the acts or omissions of
1 33 the dependent adult or at-risk older adult.
1 34 Sec. 4. NEW SECTION. 235B.3B AT=RISK OLDER ADULTS.
1 35 A person identified as an at-risk older adult who is not a
2 1 dependent adult shall be referred, where available, to a local
2 2 area agency on aging for evaluation under the elder abuse
2 3 initiative, emergency shelter, and support services projects
2 4 authorized pursuant to section 231.56A. If an elder abuse
2 5 initiative, emergency shelter, and support services project is
2 6 not available, a referral shall be made to a multidisciplinary
2 7 team established pursuant to section 235B.1. If there is no
2 8 active multidisciplinary team available, a referral shall be
2 9 made to any available local provider of aging services.

2 10 Sec. 5. Section 235B.19, subsection 7, unnumbered
2 11 paragraph 1, Code 2007, is amended to read as follows:
2 12 Upon a finding of probable cause to believe that dependent
2 13 adult abuse has occurred and is either ongoing or is likely to
2 14 reoccur, the court may also enter orders as may be appropriate
2 15 to third persons enjoining them from specific conduct. The
2 16 orders may include temporary restraining orders which impose
2 17 criminal sanctions if violated. In instances of self-denial
2 18 of critical care, the court may enter temporary orders
2 19 authorizing the provision of support services in the least
2 20 restrictive environment for the adult. Temporary orders
2 21 entered pursuant to this subsection shall remain in effect for
2 22 a period of thirty days from the date of entry unless extended
2 23 for good cause. The court may enjoin third persons from any
2 24 of the following:

2 25 EXPLANATION

2 26 This bill relates to dependent adults and at-risk older
2 27 adults.

2 28 The bill provides that the target population of elder abuse
2 29 initiative, emergency shelter, and support services projects
2 30 authorized by the department of elder affairs shall include
2 31 at-risk older adults. "At-risk older adult" is defined as a
2 32 person 60 years of age or older who is not able or willing to
2 33 maintain the person's life or health, or who is otherwise
2 34 unable to maintain a safe and independent living arrangement.

2 35 The bill also provides that a person identified as an at-
3 1 risk older adult who is not a dependent adult as defined in
3 2 Code section 235B.2 shall be referred, where available, to a
3 3 local area agency on aging for evaluation under the elder
3 4 abuse initiative, emergency shelter, and support services
3 5 projects. If an elder abuse initiative project is not
3 6 available, a referral shall be made to a multidisciplinary
3 7 team established pursuant to Code section 235B.1. If there is
3 8 no active multidisciplinary team available, a referral shall
3 9 be made to any available local provider of aging services.

3 10 The bill further provides that in instances of self-denial
3 11 of critical care, the court may enter a temporary order
3 12 authorizing the provision of support services in the least
3 13 restrictive environment for the adult. Such an order shall
3 14 remain in effect for 30 days unless extended for good cause.
3 15 "Self-denial of critical care" means living without the
3 16 minimum food, shelter, clothing, supervision, physical or
3 17 mental health care, or other care necessary to maintain a
3 18 dependent adult's or at-risk older adult's life or health as a
3 19 result of the acts or omissions of the dependent adult or
3 20 at-risk older adult.

3 21 LSB 1158YH 82

3 22 rh:nh/sh/8.1